

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re : Chapter 11
:
Gawker Media LLC, *et al.*, : Case No. 16-11700 (SMB)
:
Debtors. : (Jointly Administered)
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**APPLICATION OF SOCIETY OF PROFESSIONAL JOURNALISTS, REPORTERS
COMMITTEE FOR FREEDOM OF THE PRESS AND 19 OTHER MEDIA
ORGANIZATIONS TO SHORTEN NOTICE PERIOD WITH RESPECT TO THEIR
MOTION FOR LEAVE TO FILE MEMORANDUM OF LAW AS *AMICI CURIAE***

TO: THE HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

The Society of Professional Journalists, The Reporters Committee for Freedom of the Press, and 19 other media organizations (collectively, the proposed “*amici*”), by and through undersigned counsel, file this application (the “Application to Shorten”) for an order pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Local Bankruptcy Rules 9006-1(b) and 9077-1(a) of the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”), shortening the notice period with respect to the *amici*’s Motion for Leave to File Memorandum of Law as Amicus Curiae (the “Motion”). In support, *amici* respectfully state:

JURISDICTION, VENUE, & STATUTORY PREDICATES

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This Application is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief

requested herein are Bankruptcy Rule 9006(c) and Local Bankruptcy Rules 9006-1(b) and 9077-1(a).

BACKGROUND

2. On November 4, 2016, the United States Bankruptcy Court for the Southern District of New York (the “Court”) entered an *Order Approving (I) the Adequacy of the Disclosure Statement, (II) the Solicitation and Notice Procedures with Respect to Confirmation of the Amended Joint Chapter 11 Plan of Liquidation for Gawker Media Group, Inc., Gawker Media LLC, and Gawker Hungary Kft., (III) the Form of Ballots and Notices in Connection Therewith, and (IV) the Scheduling of Certain Dates with Respect Thereto* (the “Disclosure Statement Order”) that, among other things: (a) approved the *Disclosure Statement for the Amended Joint Chapter 11 Plan of Liquidation for Gawker Media Group, Inc., Gawker Media LLC, and Gawker Hungary Kft.* (as may further be amended from time to time and including all exhibits and supplements thereto, the “Disclosure Statement”) as containing adequate information, as required under section 1125(a) of title 11 of the United States Code (the “Bankruptcy Code”), and (b) authorized the above-captioned debtors and debtors in possession (collectively, the “Debtors”) to solicit votes with regard to the acceptance or rejection of the *Amended Joint Chapter 11 Plan of Liquidation for Gawker Media Group, Inc., Gawker Media LLC, and Gawker Hungary Kft.* (as may further be amended from time to time and including all exhibits and supplements thereto, the “Plan”).

3. The Court established December 5, 2016, at 4:00 p.m., New York Time as the deadline for submitting objections to the Plan and scheduled a hearing to confirm the Plan on December 13, 2016, at 10:00 a.m., New York Time before the Honorable Stuart M. Bernstein,

United States Bankruptcy Judge, in the United States Bankruptcy Court for the Southern District of New York.

4. The *amici* filed their Motion on December 5, 2016 prior to 4:00 p.m. seeking leave to file their amicus memorandum of law which addresses Plan. Accordingly, the issue of whether the memorandum of law may be filed will need to be decided expeditiously in order for the memorandum of law to be considered at the December 13 hearing.

RELIEF REQUESTED

5. The *amici* seek to shorten the period for notice of the hearing on the Motion so that this Court may consider the relief requested in the Motion on an expedited basis at the same hearing scheduled for confirmation of the Plan. Claim. Amici propose that responses to the Motion, if any be filed by December 9, 2016 and replies be filed by December 12, 2016.

BASIS FOR RELIEF REQUESTED

6. Bankruptcy Rule 9006(c)(1) authorizes the Court to shorten the time on a motion, for cause shown. It provides, in pertinent part, that –

Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period shortened.

Bankruptcy Rule 9006(c)(1) (Emphasis supplied). Bankruptcy Rule 9006(c)(2) sets forth instances in which reduction of a time period is not permitted, however, motions under Section 362(d) of the Bankruptcy Code are not among them.

7. Local Bankruptcy Rule 9006-1(b) states: “Except as otherwise ordered by the Court, or required by the Bankruptcy Rules, all [non-discovery related] motion papers shall be served at least fourteen (14) days before the return date. Where service is made at least fourteen

(14) days before the return date, any answering papers shall be served so as to ensure actual receipt not later than seven (7) days before the return date, unless the Court orders otherwise.”

L.B.R. 9006-1(b). (Emphasis supplied).

8. Local Bankruptcy Rule 9077-1(c) states: “No order to show cause shall be granted except upon a clear and specific showing by affidavit of good and sufficient reasons why proceeding other than by notice of motion is necessary. The affidavit also shall state whether a previous application for similar relief has been made.” L.B.R. 9077-1(c).

9. In this case, there are good and sufficient reasons to grant this Application to Shorten, including: i) the *amici* are uniquely situated to explain the important practical considerations involved in the preservation of journalists’ indemnification rights and therefore their views may assist the Court in addressing certain provisions of the Plan; ii) counsel for the *amici* were first retained to prepare the amicus brief only last week; and iii) no party will be prejudiced by this slightly shortened notice time because *amici* do not anticipate opposition to their motion for leave to participate as *amici* and any issues that a party may have with the Motion may be addressed at the December 13 hearing. Exigent circumstances and cause exist to shorten the notice period with respect to the Motion because the relief sought will be rendered moot if it is not granted prior to, or at, the Plan Confirmation Hearing on December 13, 2016.

NOTICE

10. Notice of this Application to Shorten has been provided in accordance with the Order Establishing Certain Notice, Case Management, and Administrative Procedures and Omnibus Hearing Dates (ECF Doc. No. 93). *Amici* submits that such notice is sufficient and no other or further notice need be provided.

11. No previous request for the relief sought herein has been made by Williams to this or any other Court.

CONCLUSION

12. For each of the reasons set forth above, *amici* respectfully request that the Court enter an order, substantially in the form of Exhibit A attached hereto, granting the Application to Shorten and fixing a hearing date, time, and objection deadline for consideration of the Motion.

December 5, 2016

Respectfully submitted,

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